

REPORT OF THE COMMITTEE,
APPOINTED BY THE HOUSE OF
REPRESENTATIVES, TO INQUIRE
INTO THE CONDUCT OF THE
GOVERNOR OF THE COMMONWEALTH
OF PENNSYLVANIA. 1820.

Digitized by the Internet Archive
in 2010 with funding from
University of Pittsburgh Library System

10. 28.00
10. 28.00
10. 28.00
REPORT

OF THE COMMITTEE,

APPOINTED BY THE

House of Representatives,

TO INQUIRE INTO THE CONDUCT

OF THE

GOVERNOR OF THE COMMONWEALTH

OF PENNSYLVANIA.

READ, FEBRUARY 16, 1820.

HARRISBURG:

PRINTED BY JAMES PEACOCK.

IN THE HOUSE OF REPRESENTATIVES.

Wednesday, February 16, 1820.

Mr. RANDALL made the following report:

The committee of the house of representatives to whom, on the 8th day of December 1819, was referred the petition from sundry citizens of this commonwealth, praying for an inquiry into the conduct of the governor,

MAKE REPORT:

THAT, deeply impressed with the importance of their prescribed duties, as well to the character of the state, and the purity of its institutions, as to the distinguished individual whose conduct was made the subject of their scrutiny, they have spared no time, nor labor, to accomplish a full and thorough investigation. One month of almost daily industry has been consumed; thirty witnesses have been fairly and patiently examined, and a considerable mass of documentary testimony minutely searched. Aiming at a complete development and comprehension of all the transactions submitted to their consideration, they have, perhaps, appeared to the legislature, and to the people, to be dilatory and tedious: but, if the results of their proceedings be to communicate a clear and ample knowledge of all the facts, and to quiet the agitated feelings and opinions of their fellow-citizens, your committee will never regret the course they have pursued.

The constitution of the commonwealth is known to confer upon the executive magistrate an extensive patronage. His powers, though great, and apparently enviable, are accompanied, in their exercise, by difficulties and vexations of equal magnitude.

While it is the duty of the governor, at once to exert his constitutional rights, and to sustain his constitutional responsibility, he necessarily incurs the risk of exciting, either for or against his administration of public affairs, all the passions to which human nature is subject. But, from the operation of these, the legislature and the people should protect their officer;

nor should they too easily yield to the clamor of those, whose personal disappointments distort the exercise of powers conferred by law, into oppression or corruption.

The twentieth section of the bill of rights, it is true, guarantees to every citizen the right to petition or remonstrate, to those invested with the powers of government, for the redress of grievances, or other proper purposes; and this right your committee regard as too invaluable to be shackled or modified in any manner. But, in a country like our own, where the great body of the people are not yet tainted with political vices, and where so much depends upon public opinion, before the house of representatives would consent to exercise the high constitutional power of impeachment, they would require from the complainants some reasonable, some fair presumption of criminality.

The petition which induced the house of representatives to institute the inquiry is, avowedly, founded upon rumor, or common report; a foundation, no doubt, legitimate and sufficient. When, however, your committee commenced its duties, they requested, as a favor from the petitioners, and in order to facilitate their progress, that the charges against the governor should be shaped into a somewhat more specific and distinct form. This was done, though not to the extent which was desirable.

In conformity with the request of the petitioners, your committee, without, perhaps, due reflection upon the consequences of so doing, allowed them to be represented by counsel. The records of similar cases, however, in Pennsylvania, established on this point, a series of precedents which could not be disregarded; and which seemed also, to make it imperative upon your committee, to admit counsel on behalf of the chief magistrate. If there has been error in this particular, which cannot be readily conceded, it has sprung from too great a readiness in acquiescing in the early wishes of the petitioners themselves. Having received their professional representatives, we could not, with any fairness, exclude those of the accused.

Aware, too, of the delicacy of the rights of the petitioners, your committee were disposed to grant every indulgence; and to admit every latitude of inquiry. Yet, in order to prevent an unnecessary consumption of time, certain rules in reference to the nature of evidence, and the order of its admission, were adopted. But, it was soon found to be hard towards the petitioners, if not impracticable, to adhere to them. They were, consequently, sometimes overlooked; and, only tenaciously enforced, when palpably necessary and proper.

The admissibility of proffered evidence having been frequently the source of contention and difficulty, your committee desire, briefly and distinctly to state here, a condensed rule, which regulated their decisions upon that subject. They refused to travel into any examination of matters exclusively *private*, whether of the governor, or any other person, and would alone sanction such examination when, in some manner, however distant, connected with the official conduct of the chief magistrate. With the personal arrangements of others, unknown to the governor, though intended by the individuals to facilitate their applications for office, your committee also refused to meddle. And they endeavored, though ineffectually, to exclude what was obviously irrelevant to the real object of their investigation.

Upon an allegation that there were two or three witnesses beyond the jurisdiction of the state, the petitioners' counsel founded an application for the issuing of commissions to take their testimony. The extension of process beyond our limits and into another state, where it cannot be enforced, is always to be avoided by judicial tribunals. In civil cases the parties interested must look to it themselves: but in a case like the present, the commission would be the act of the committee, to be transmitted by their officer, while a compliance with it, they could not pretend to exact. By such a step, they could not think of compromising the dignity and authority of the house of representatives. It cannot be disguised, either, that the inquiry assumed, in some measure, the character of a criminal trial in its incipient state, and the constitutional provision upon the subject was thought to have some application. Nevertheless, your committee are of the opinion, from the evidence before them, that the witnesses beyond the jurisdiction of the state, the object of whose attendance was understood, could have shed no additional light upon the transactions they investigated; and they, therefore, cannot think any injustice has been done by their absence.

The wide range, and minute detail, into which some of the witnesses, from the necessity of the case at first, and subsequently as tending to explanation, were allowed to proceed, have accumulated a mass of confused and intricate testimony. To arrange it; to winnow the chaff from the grain; and to apply to each charge exhibited by the petitioners, the substantial facts relating to it, is obviously a difficult and repulsive task.— The real merits of the case are, however, susceptible of being embraced in a small compass; and it is the duty of your committee, at once to avoid burthening their report with redundant matter, and to communicate a succinct and faithful view of each and every transaction. They undertake to do so, with the

more confidence, because the evidence upon which their observations will be founded, being printed by order of the house of representatives, their accuracy may be easily tested, and their errors, if any, be immediately remedied.

The charges adduced, on behalf of the petitioners, by John Thompson and Peter Christian, are eight in number, and are as follow:

I. That the said governor has on various occasions, corruptly exercised his official duties, for the purpose of advancing his own private interests, rather than promoting the general welfare.

II. That he has misused the patronage of his office to obtain pecuniary advantages for himself, family and friends, from applicants for offices in the gift of the governor.

III. That he withheld the commissions for the office of auctioneers in the city of Philadelphia until he had ascertained, in answer to inquiries, made with his knowledge by the secretary of the commonwealth, which of the applicants would consent to accept a commission, burthened with a large sinecure; and that having ascertained which of them would accept a commission, so burthened, the governor immediately caused notices to be sent, and soon after the commissions to issue: one of these notices and commissions being in favor of said applicant.

IV. That the governor has abused and misused his official patronage, by subjecting himself to personal obligations to various officers of his own appointment, by borrowing money, by indorsements and acceptances to a very large amount, for his own use and that of his family; and that thus made subject to them, he could not feel freedom, nor, in the words of the constitution of Pennsylvania, has he taken "care that the laws be faithfully executed."

V. That the governor made an engagement with an auctioneer to take a certain person as clerk at a given salary, and subsequently relieved said auctioneer from taking said clerk, and other official embarrassments, in consequence of the said auctioneer and his family, having advanced and obtained loans of large sums of money, for the use of the said governor of the commonwealth.

VI. That the governor accepted the resignation of a person as an auctioneer, and forthwith appointed another person named by the individual who resigned, to the said office, he (the governor) knowing and being privy to the fact that the individ-

ual, so resigning, was to receive a certain sum or sums of money, at stated times, from the individual who was appointed in his place; the governor thus countenancing the bargain and sale of the office, and burthening the officer with the payment of a pension.

VII. That the governor withheld a commission until he had ascertained whether the applicant could produce a certain religious certificate, contrary to and in violation of the rights of conscience and the constitution of Pennsylvania, which declares that "no person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth."

VIII. That the governor corruptly issued a commission, on the express condition that the person therein named, should, from time to time, pay over a certain portion of the fees to another person, to whom the governor was under pecuniary obligations.

In addition to these enumerated ones, the counsel for the petitioners introduced, incidentally, in the course of the investigation, another charge, which may be stated in substance, to be—"That the governor of this commonwealth, during the session of the legislature of 1817-18, did interfere with the proceedings of a committee appointed by the house of representatives to enquire into his official conduct, while treasurer of the state."

All the above charges are susceptible of being considered in the following order: The *first*, *second* and *fourth* charges may be taken in one view:—The *fifth* and *eighth* charges, applying, in some measure, to the same persons, might be advantageously blended together, but for fear of hazarding perspicuity, your committee will consider them, and the remaining charges, separately and distinctly.

1st CHARGE.

"That the said governor has, on various occasions, exercised his official duties, for the purpose of advancing his own private interests, rather than promoting the general welfare."

2d CHARGE.

"That he has misused the patronage of his office to obtain pecuniary advantages for himself, family and friends, from applicants for offices, in the gift of the governor."

4th CHARGE.

“That the governor has abused and misused his official patronage, by subjecting himself to personal obligations to various officers of his own appointment, by borrowing money, by indorsements and acceptances to a very large amount, for his own use, and that of his family; and that thus made subject to them, he could not feel freedom, nor, in the words of the constitution of Pennsylvania, has he taken “care that the laws be faithfully executed.”

It is apparent, that the two first charges are far too general and indefinite for proof or refutation. They are broad and sweeping accusations, against which no public officer can fairly be called upon to defend himself. If, indeed, the subsequent and more specific allegations were correct, then might they all be ranked under the one, or the other, of these; but, should the particular instances in which the executive magistrate is stated “*to have corruptly exercised his official duties, for the purpose of advancing his own private interest;*” or to have “*misused the patronage of his office to obtain pecuniary advantages for himself, family and friends;*” be unfounded, it will necessarily follow, that these two charges are wholly unsupported. Our attention, then, is drawn, without further obstacle, to the *fourth charge*, as above stated.

Your committee would precede their inquiry into this subject, by saying, that the governor of this commonwealth, cannot, upon any principle of prudence or law, be precluded from exercising the common rights of citizenship. Private pursuits and engagements, in themselves usual and honest, neither trammel, nor taint, the public officer. Much less can an unforeseen loss, or personal obligation, accidentally incurred, affecting in no way the interests or welfare of the people, be construed into corruption, or exaggerated into a high crime or misdemeanor. It by no means follows as a necessary conclusion, that the chief magistrate has “*abused and misused his official patronage;*” because he has incurred “*personal obligations to officers of his own appointment, by borrowing money;*” or otherwise. Transactions of this kind, wholly irrelative to official duties and responsibilities, are perfectly innocent. Their character, it is true, may be varied by circumstances and motives, as may the simplest occurrence of domestic life: but unless circumstances or motives are in proof, who can, with justice, undertake to pervert the real facts, and to imply or presume official misconduct from such transactions?

Let us then, as briefly and perspicuously as we can, endeavor to ascertain from the evidence—1st. What are the personal obligations incurred by the governor, by “*borrowing money;*”

by "indorsements" and "acceptances," for his own use, or for that of his family? And 2d. Whether in consequence thereof, he could not, in the language of the charge, "*feel freedom*," nor take "*care that the laws be faithfully executed*?"

It appears that the governor has a brother, Mr. Thomas Findlay, who is a merchant in the city of Baltimore, and is associated in business with Mr. Vanlear of the same city, under the firm of Findlay and Vanlear. The character and credit of this mercantile house stood high and unsuspected, until in the summer of the year 1819, when, owing to the sudden fall of the United States bank stock, other general distresses produced by the fatal operations of that national institution, and the rapid failure of commercial houses, they became embarrassed, and were shortly afterwards obliged to stop payment. Long previous to this event, however, as early as the winter of 1817-18, being desirous of raising money occasionally, by drafts on Philadelphia, they prevailed upon the governor to give them, for that purpose, a letter dated on the 13th of January, 1818, addressed to John Jennings, of the city of Philadelphia; in which the governor, "in addition to the security which the considerable wealth and high credit" of the house afforded, guaranteed "the payment of any sum which he, Mr. Jennings, might accept for them, not exceeding ten thousand dollars." At this time, Mr. John Jennings, among a crowd of others, was applying for the appointment of auctioneer; and before the house of Findlay and Vanlear had forwarded to him the letter of guarantee, it appears to have occurred to the governor, that Mr. Jennings might be induced to put himself to some inconvenience in order to gratify the wishes of the Baltimore firm, under the apprehension that his declining to do so might affect his application for appointment. He accordingly, on the 30th of January, 1818, addressed another and a direct letter to Mr. Jennings, containing an assurance calculated to remove from his mind any such impression, if it existed. The letter of guarantee was enclosed to Mr. Jennings by the house of Findlay and Vanlear, on the 3d of February, 1818. Two days afterwards, Mr. Jennings declined by letter to that firm, to accept their drafts, stating as his objections to it, that his senior partner was absent, and that he could not undertake to do it, without previously consulting him. It is true, that Mr. Jennings, when giving his testimony, did say that this was not altogether the true reason for his declining the arrangement; that he "*thought it corrupt and connected with the treasury business.*" This was his own *surmise* at the time; and how far it was correct, the house of representatives will judge from the facts and the evidence; and will draw their own conclusions. Nevertheless, Mr. Jennings was commissioned an auctioneer by the governor,

subsequently, and at the same time with the others, on the first day of April, 1818. In relation to Mr. Jennings, therefore, it does not appear that any personal or pecuniary obligation was incurred.

Not having succeeded in this effort, the house of Findlay and Vanlear again solicited the friendly assistance of the governor, and obtained from him two letters of a similar character with the one formerly addressed to Mr. Jennings, both dated on the 18th of April, 1818; the one to Mr. John Lisle, the other to Mr. Robert Taylor, both auctioneers of the city of Philadelphia. These letters, containing in each a guarantee for the payment of acceptances for the house of Findlay and Vanlear, not exceeding the sum of ten thousand dollars, were transmitted some time after they were written; Mr. Lisle not receiving his until the fifth of June following. It appears distinctly and incontrovertibly, that both Mr. Lisle and Mr. Taylor had had correspondence and commercial dealings with the house of Findlay and Vanlear, for some years, and that they both esteemed and looked upon the firm as safe and substantial, and of good credit; and Thomas Findlay being then a director of the branch bank of the United States at Baltimore, they would readily have conformed to their wishes without any guarantee from the governor. Neither of them, therefore, hesitated to accede to the proposal of the Baltimore merchants; Mr. Lisle, in prosperous circumstances, being indifferent as to the guarantee of the governor, and Mr. Taylor, made prudent by misfortunes, taking the precaution to have his guarantee so worded as to cover, not only the first, but all the drafts which he might accept for Findlay and Vanlear, not exceeding the sum of ten thousand dollars. It should not be forgotten that, in order to meet the drafts of Findlay and Vanlear, and which Mr. Lisle and Mr. Taylor agreed to accept, the Baltimore house stipulated to provide the funds, and deposit them with Mr. Lisle and Mr. Taylor, before the drafts should arrive at maturity. Having thus established the communication and credit, Messrs. Findlay and Vanlear soon afterwards commenced drawing. Their drafts were regularly accepted both by Mr. Lisle and Mr. Taylor, and were punctually paid at maturity, until the difficulties, which finally overwhelmed Messrs. Findlay and Vanlear, began to affect their ability to provide for their payment.

In the case of Mr. Lisle, the two last drafts due on the 19th of May and the 14th of July, 1819, were paid by Mr. Lisle himself, out of his own funds; and left him in advance to the house of Findlay and Vanlear in the sum of \$6,501 90 $\frac{1}{4}$. To preserve him, however, against any ultimate loss, from these monied transactions, Mr. Lisle has a variety of securities, ex-

ceeding in their amount the extent of the debt due him; he has a number of promissory notes drawn by traders in the country, and assigned to him by Findlay and Vanlear, amounting in all to \$5,949 71; he has an assigned debt of Messrs. Robinson and Shriver of York, Pennsylvania, amounting to \$1381 07, part of which, \$540, has been paid; he has the personal responsibility of Findlay and Vanlear, of whose ultimate ability to pay, reasonable hopes are entertained, although they have been obliged by the general embarrassments of the times to stop payment; and he has, jointly with Mr. Taylor, an assigned mortgage given by Thomas Findlay to William Findlay, dated the 13th of July, 1819, to secure the payment of *ten thousand dollars*, on real estate situated in Franklin county; and he has, finally, the letter of guarantee from the governor.

In the case of Mr. Taylor, the two last drafts of Messrs. Findlay and Vanlear, amounting to about \$6,200, were not met by the funds of the drawers, but were paid by him; and of course, he also, at the time of their failure, was in advance to them to that extent. His securities against ultimate loss, may also be enumerated as follows: four promissory notes, amounting to \$4,030 25; the responsible parties of which, Mr. Taylor has understood to be good and capable; one bill of exchange, drawn by a person whom Mr. Taylor understands to be "*a rich man*," for \$1,592 82; an assigned debt of \$540; the personal responsibility of Findlay and Vanlear; the pro rata interest in the mortgage for \$10,000, assigned by William Findlay to Mr. Lisle; and, lastly, the guarantee of the governor.

Mr. Taylor states that the debt due him by Findlay and Vanlear is covered by the three first items alone in this enumeration, with the exception of a small balance of less than one hundred dollars.

It then appears, that Mr. Lisle and Mr. Taylor are, together, in advance to the house of Findlay and Vanlear of Baltimore, \$12,701 90½; but that they have commercial securities amounting to \$13,493 85, to cover this advance; and in addition, the continued responsibility of Messrs. Findlay and Vanlear, and a mortgage for \$10,000. It is scarcely probable that the guarantees of the governor need ever be resorted to, even supposing, what does not seem to be the case, that the house of Findlay and Vanlear are entirely and irreparably insolvent. It is also worthy of remark, that neither Mr. Lisle, nor Mr. Taylor, intimates the smallest reproach upon the Baltimore firm, or the governor; and both feel perfect satisfaction in the securities which have been put into their hands. Nor was either of these gentlemen ever impressed with the idea that the governor participated in any pecuniary benefit resulting from this arrange-

ment; but, on the contrary, Mr. Lisle, particularly, averred his belief, from letters and other circumstances, that it was adopted exclusively for the commercial accommodation of Findlay and Vanlear.

Your committee are utterly unable to perceive, in this statement of facts, any thing derogatory to the official integrity or personal worth of the chief magistrate. They, indeed, perceive him contributing to facilitate the mercantile arrangements of a brother, by fortifying with his guarantee, a credit which, without it, in all probability, would have been obtained; and they perceive the probability, that his brother's creditors may ultimately resort to him for payment, has been rendered less remote, in consequence of the events which suddenly enveloped the commercial scenes of Baltimore, during the summer of 1819, in gloom and disaster.

But, they ask, where is the corruption? Where is the high crime, or misdemeanor, upon which so much clamor has been vented? Was this interposition on the part of the governor, to assist and promote the commercial interests of a brother, criminal, or laudable? Let religion, morality, and the best feelings of the human heart, decide the question! Has he, then, in reference to the *second* branch of our analysis upon this subject, failed to "*feel freedom*," or to "*take care that the laws be faithfully executed*"? No effort has been made by the petitioners to show that either Mr. Lisle or Mr. Taylor has demeaned himself while in office, other than with perfect fidelity to the state. As far as their stations required it, they have "*faithfully executed the laws*;" nor can it be reasonably presumed, that had it been otherwise, the distant liability of the governor, under his guarantee, could have prevented him from "*feeling freedom*," and "*taking care*" that they should be removed in due time.

Your committee cannot think of noticing in detail, under this or any other head, the little, private, pecuniary accounts between the governor and Mr. John Humes of Philadelphia, into which the petitioners led their scrutiny. They related to the furnishing of articles for household and family consumption, and were, as Mr. Humes distinctly testified, the usual transactions between merchants in the metropolis, and acquaintances in the country, for the subsistence and enjoyment of life. If such things be denominated corruption, or high crimes and misdemeanors, virtue and patriotism must at once declare war against all social intercourse, and laws must be framed to reach and interfere with the domestic economy and fire-side arrangements of every public officer.

3d CHARGE.

“That he withheld the commissions for the office of auctioneers in the city of Philadelphia, until he had ascertained, in answer to inquiries made with his knowledge by the secretary of the commonwealth, which of the applicants would consent to accept a commission burthened with a large sinecure; and that having ascertained which of them would accept a commission so burthened, the governor immediately caused notices to be sent, and soon after the commissions to issue: one of these notices and commissions being in favor of said applicant.”

A legislative committee appointed in the session of 1818-19, having fully investigated and reported upon the facts alluded to, in this charge, it is not deemed necessary to recapitulate them minutely; nor, in truth, to refer to them at all, except for the purpose of shewing how far they sustain any allegation against the chief magistrate.

The assertion made at the threshold, that the governor “withheld the commissions for the office of auctioneers in the city of Philadelphia,” has not been supported by any evidence adduced by the petitioners, and has received an unqualified and direct denial from a witness who alone was fully acquainted with all the circumstances of the transaction. Difficult as it may generally be to establish a negative, it has been conclusively shewn that the governor knew nothing whatever of “*the inquiries made by the secretary of the commonwealth,*” until after the letter which contained them had been written and transmitted, and that he in no manner authorised or sanctioned the contents of that letter. The commissions alluded to had long before been fixed to issue on the first day of April, 1818; and on that day they did issue without condition or delay. Nor does it appear to your committee that the secretary of the commonwealth, much less the governor, ever contemplated burthening the commission of an office with a “*sinecure.*”—At an early period, in January 1818, without the knowledge or interference of the secretary, the services of Mr. Samuel Fox had been rated in a private agreement between Mr. Edward Fox, his father, and Mr. John Lisle, as worth the usual compensation given to the chief or stage clerk in an auction establishment. Though desirous of obtaining employment for Mr. Samuel Fox, the secretary of the commonwealth was never told, nor does it appear that he was aware, that his services had been rated, by the parties, beyond their value. To him, the arrangement appears to have borne the character of a fair exchange of equivalents: an exchange long before voluntarily settled by Mr. Lisle, and which was subsequently varied, in

consequence of Mr. Weir's preference for Mr. Lewis, and his not appreciating the abilities of Mr. Samuel Fox, as highly as had his partner.

Neither this arrangement by Mr. Lisle, nor the rejection of the secretary's wishes by Mr. Jennings, Mr. Steel and Mr. Wurts, seems to have had any manner of influence upon the mind of the governor, or even upon that of the then secretary. The latter still continued the steadfast friend of Mr. Jennings, Mr. Steel and Mr. Wurts, and in his conversations with the governor preferred all of them to Mr. Lisle, who was then, to his knowledge, actually under this much talked of engagement, which was to "*saddle*" the office with a "*sinecure*." The claims of Mr. Wurts do not appear ever to have been so appreciated by the governor, as to produce a probability of his appointment; and the claims of Mr. Jennings and Mr. Steel, for the commissions which were bestowed upon them, do not appear to have been, for a moment, "*jeopardized*" by the answers they gave to the application on behalf of Mr. Fox. The character, merits and powerful recommendations of Mr. Lisle, it is very apparent, prevailed with the governor, and procured him the appointment, as soon as it was clearly explained that he had not withdrawn his application, and had not agreed to be satisfied with a partnership with Mr. Jennings.

The governor, before whom, at one time, both Mr. Samuel Fox and Mr. Lisle were applicants for commissions, and to whom more than five times as many applications had been made as he had commissions to grant, always avowed a wish that among so many individuals whose claims upon him might be equal, partnerships could be effected, which might induce some to withdraw their solicitations, and enable him to determine with less embarrassment to himself and with less danger of wounding their feelings, or their private interests. Your committee are of opinion, that the formation of such partnerships was advantageously to be encouraged; as tending to accumulate active capital, increase the commercial credit of the public officer, the auctioneer, and, as a consequence, add to the revenues of the state. They are not apprized of any constitutional or legal provision, nor of any principle of morals or politics, which can render it incumbent upon the executive magistrate to notice, or interfere with, the personal and private arrangements made between applicants for office, or others, in order to remove obstacles in the way of their success, or to increase the strength of their recommendations. If there be error, it lies exclusively with the applicants themselves. Nor would it, in fact, become the governor to prevent or diminish the benefits anticipated from his patronage, by compelling the officer to vacate and forego those plans and agreements by

which he contemplated making his commission useful to himself, or the public. The offence would consist in making the agreement the only foundation, or consideration, for granting the commission. That such was the case in this, or any other instance, your committee are without evidence. It is certainly true, that the governor was informed in January 1818, by a letter from Mr. Edward Fox, that Mr. John Lisle, one applicant, had engaged Mr. Samuel Fox, another applicant, to be his chief clerk, at a certain salary, provided he, Mr. Lisle, were successful. But, with this arrangement, it was neither the right nor the duty of the governor to interfere; he neither advised its adoption, nor did he understand its particular form, or bearings; it did not disqualify, nor take from the merits of Mr. Lisle: it was a private and voluntary contract, which only affected the chief magistrate, by relieving him from the unpleasant task of ultimately deciding between the claims of two rival candidates.

Your committee, while they refer to the voluminous and confused mass of testimony given upon this subject, and to the report of the committee of inquiry of last session, into the conduct of the secretary of the commonwealth, feel themselves justified in pronouncing this charge unfounded in fact, or reason.

5th CHARGE.

"That the governor made an arrangement with an auctioneer, to take a certain person as clerk at a given salary, and subsequently relieved said auctioneer from taking said clerk, and other official embarrassments, in consequence of the said auctioneer and his family having advanced and obtained loans of large sums of money for the use of the said governor of the commonwealth."

It would greatly have elucidated the subject and the views of the petitioners, as well as have afforded satisfaction and facility of decision to the committee, if the counsel for the petitioners had, as far as might have been convenient to them, detailed the facts composing, or had specified the testimony intended to give effect to, any particular charge. This observation is made, because the committee are at a loss to know by what evidence it was intended to support the charge now under consideration.

They presume, without having any evidence to guide them, that the present allegation relates to Mr. John Humes of the city of Philadelphia. If he be the "*auctioneer*" herein meant, he did, when giving his testimony, most emphatically disclaim every thing of the kind. It most satisfactorily appeared, that

he never did make "*an arrangement*" with the governor, nor did he ever, at his request, either directly or indirectly, take any "*person as clerk at a given salary*," nor was he ever "*relieved*" from any engagement, or "*official embarrassment*" whatsoever by the governor.

To ascertain the nature of the account between Mr. John Humes and the governor, the committee would merely refer the house to an observation or two under the fourth charge, and particularly to the testimony of Mr. Humes himself.

If Mr. James Humes, of the city of Lancaster, be the person intended to be embraced by the word "*family*" in the latter part of this indistinct charge, he did also disclaim the application of it to him, or to any of his transactions. Upon his oath, he assured the committee, that he never had been called upon to accept any drafts, or indorse any notes, the proceeds of which were to be applied to the use of William Findlay, since his election as the governor of this commonwealth, and which have had any connection with his official conduct, the appointment of officers, or the duties of any man in office under the appointment of the executive.

Your committee, therefore, conclude that there can be no color of objection to the dismissal of this charge, as unsupported by any kind of evidence.

6th CHARGE.

"That the governor accepted the resignation of a person as an auctioneer, and forthwith appointed another person, named by the individual who resigned, to the said office, he (the governor) knowing and being privy to the fact, that the individual so resigning was to receive a certain sum or sums of money, at stated times, from the individual who was appointed in his place; the governor thus countenancing the bargain and sale of the office, and burthening the officer with the payment of a pension."

This charge has allusion to the resignation of Mr. John Conrad, an auctioneer of the city of Philadelphia, and the appointment of Thomas Passmore, of the same place, as his successor. It cannot be pretended to embrace any other transaction, because the resignation of Mr. Conrad "*as an auctioneer*" is the only one of the kind which has occurred under the present administration.

A condensed recapitulation of the facts, may enable the house to judge how far "*the governor countenanced the bargain and sale of the office, and burthened the officer with the payment of a pension.*"

Mr. John Conrad, with others, was commissioned an auctioneer on the first day of April, 1818, and formed a partnership in the business with Thomas Passmore and Thomas Sparhawk. At the time of his appointment, although an upright and honest man, he was reduced and embarrassed in his pecuniary affairs. The difficulty of keeping up his credit, upon his private notes, greatly injured and kept down the business of the firm, trammelled all their operations, and prevented the auction business from being profitable to the commonwealth or the parties concerned. He determined to resign, and communicated his intention to his partner, Mr. Passmore, who had formerly been an auctioneer, and after the inauguration of the present governor was strongly recommended for continuance in office. In the communications between Mr. Conrad and Mr. Passmore, and before the resignation was tendered, the latter determined to apply for the office; and they came to the understanding that if he should be successful, the same partners should compose the firm: that Mr. Sparhawk should attend to the books and accounts, Mr. Passmore to the business of merchandize, and Mr. Conrad to a book-auction, to be attached to their other auction business. In this department, Mr. Conrad had been an extensive and experienced merchant. Both the partners, who were examined as witnesses, declared that this arrangement, and the terms of it, were not made known but to the parties concerned; and they negatived every presumption that the governor could have known, or been influenced by the existence, of any partnership agreement. It is true, that Mr. Passmore communicated to judge Franks, when in Philadelphia, the intention of Mr. Conrad to resign, and requested the intercession of the judge to obtain for him the appointment; and at the same time mentioned his intention to take Mr. Conrad into partnership. Upon the return of judge Franks to Harrisburg, he very earnestly pressed upon the governor the appointment of Mr. Passmore; and among many other things, he believed he mentioned to the governor, "that if Mr. Passmore would be appointed, it would make very little difference to the firm, that Mr. Conrad would be a partner and superintend a book-auction." Thus, then, there was only intimated to the governor, an intention to continue Mr. Conrad as a partner. Mr. Conrad declares that he never saw or spoke to the governor upon the subject, and merely wrote to him a short and general letter of resignation, a copy of which is in evidence, dated on the 21st of October, 1818. Some short time after this, Mr. Passmore was appointed to fill the vacancy. There does not appear to have been any other express application at the time before the governor, unless the many unsatisfied candidates, at the period of his inauguration, could be considered as still standing before him.

These are the substantial facts which bear upon the *sixth charge*. The question is, how far do they substantiate it?

Where is the proof that "*the individual who resigned named*" his own successor? This "*individual*" never even wrote or spoke to the governor on the subject, never intimated a wish or even hinted at his successor. He was content with an absolute and unconditional resignation. Where, too, it may be confidently asked, is there even an implication, that the governor was "*privy to the fact that this individual was to receive a certain sum*" from his successor, so as to constitute the crime that he "*countenanced the bargain and sale of an office*" and burthened it with "*a pension?*"

We always look for some lure, some inducement, to the commission of crime. Who was this Mr. Conrad? What allure-ment could he hold out, even to the most vicious, to the perpetration of a great offence? What aggrandizement, what hope of reward, what gratification of ambition, were here to be found, to seduce a chief magistrate from his allegiance to the state?

It is also to be remembered that the governor did not court the duty of filling this vacancy. He was rather disgusted with the necessity of again exercising his official powers; for, to the long address from judge Franks in behalf of Mr. Passmore, he rather fretfully replied, "*I thought I was done with these auctioneers of the city of Philadelphia.*"

Your committee forbear further comment upon this charge, and the facts by which it is pretended to be supported.

7th CHARGE.

"That the governor withheld a commission until he had ascertained whether the applicant could produce a certain religious certificate, contrary to and in violation of the rights of conscience and the constitution of Pennsylvania, which declares that "*no person who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.*"

As a further evidence of the severe and scrutinizing eye with which the chief magistrate is watched, in the exercise of his executive power of appointments, we have the exhibition of this charge, and the great clamor excited, by a single inquiry into the moral and religious character of an applicant for office. A plain and simple conversation between the governor and Mr. George A. Frick, necessarily produced by a written accusation against the latter, has been magnified into "*a violation of the rights of conscience and the constitution of Pennsylvania,*" and assumes the shape indicated in this charge.

With what force this accusation has been maintained, the house of representatives will judge, when they are informed that it rests alone upon the facts detailed by Mr. Frick himself.

This gentleman was an applicant for continuance in the office of prothonotary, in Columbia county, in the spring of 1818. Pending his application, a written communication was made to the governor, containing the most serious charges against him; not complaining of his particular "*religious sentiments*," but charging him with a want of all religion, and being a reviler and scoffer of the Christian worshipper! The precise language of the accusation does not appear; but it was of so serious and injurious a character, that Mr. Frick objected, and it was not pressed upon him, to repeat it to the committee. Its nature, however, may be ascertained by a reference to a letter upon the subject addressed by Mr. Frick to the governor, on the 7th day of February, 1818, but in which the accusation is stated in somewhat stronger terms than in the communication to the governor. In February or March following, Mr. Frick came to Harrisburg and had a conversation relative to his appointment with the chief magistrate. The accusing letter was read to him, in order to afford him an opportunity of explanation. He expressed his loss how to effect this, or to be enabled to repel the charges, without being put in possession of the name of the author of the letter. Propriety, and the confidence reposed in the executive, forbade this disclosure. In mentioning several facts as evidence of the falsehood of the charge, Mr. Frick took occasion to say, that he had been bred up and continued to be a Lutheran, and spoke of the baptism of his child as the joint act of himself and his wife. To this the governor immediately made the liberal, and, as it might be termed, "*constitutional*" reply, "*that it made no matter to what religious persuasion a person belonged; whether Lutheran, Presbyterian, or what else, so that he had religion;*" and suggested that if a certificate of the baptism of his child were produced, "*the charges would have no weight in his mind.*" This certificate was afterwards forwarded. Mr. Frick was commissioned, and still retains the office.

These simple facts have been so distorted as to constitute a charge of an official misdemeanor, and that averred to be a violation, which was certainly a recognition, of that section of our bill of rights, which declares, that "no person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth."

Did the governor pause on account of the "*religious sentiments*" of the applicant? Not at all. He hesitated in the exercise of his executive patronage, because the charges rendered it doubtful whether the applicant "acknowledged the being of a God, and a future state of rewards and punishments." Test his conduct, then, by the constitution, and he will be found to have acted strictly and literally within its pale.

8th CHARGE.

"That the governor corruptly issued a commission, on the express condition that the person therein named should, from time to time, pay over a certain portion of the fees to another person, to whom the governor was under pecuniary obligations."

Upon the examination of this charge, three inquiries arise: 1st. Who is the individual to whom it is alleged the governor was under "*pecuniary obligations*?"

2d. Did these "*pecuniary obligations*" in reality exist?

And 3d. Was there a corrupt condition, either express or implied, upon which a commission issued?

Judging from what passed in the presence of the committee, and from the avowals and explanations given by the counsel of the petitioners, the late Alexander Wilson is here meant as the person to whom the governor was under these alleged "*pecuniary obligations*;" such obligations as would induce a governor of this commonwealth to lose sight of his oath of office; to abandon all claims to moral and political integrity, and to become the corrupt perpetrator of a high crime and misdemeanor in office!

A detail of the acquaintance and connection, if it can be so called, which existed between the governor and Alexander Wilson, will throw much light upon the second branch of the inquiry, and enable the house of representatives to judge of the existence of these "*pecuniary obligations*."

Their acquaintance was formed and their friendship matured, by the occupation of Alexander Wilson, as the chief clerk in the treasury of this state, whilst the governor was at the head of that department. In the hope of obtaining from the skill of an eminent physician, of Philadelphia, a restoration to health, Mr. Wilson removed to that city in October, 1817. Upon parting with an old acquaintance, and one certainly not in affluence, and of very reduced health, William Findlay, proba-

bly then the governor elect, gave him a common letter of introduction to Mr. John Humes, of that city; the only letter of the kind, as far as appears from the testimony, that he carried with him. Mr. Humes testified that this letter contained merely a request, that he would endeavor to get Mr. Wilson a situation as a clerk, and nothing more than the customary language upon making a request of the kind.

James Graham, who became the agent of the widow of Alexander Wilson, and had thereby access to his papers, found amongst them letters with the signature of the governor subscribed, written before and subsequently to his election. These letters contained expressions of friendship, and a willingness to serve and to oblige him. Mr. Graham also saw notes and other papers bearing the name of William Findlay, which induced him to believe that the governor was indebted to the deceased. However, upon further inquiry and examination, and a correspondence with the governor, connected with the declaration of the widow, that nothing was due to her husband, this impression of Mr. Graham seems to have been shaken; and no demand was ever made, nor any claim persisted in.

Mr. Redmond Conyngham, also, testifies to an examination of papers shewn to him by Alexander Wilson, but does not materially differ from Mr. Humes or Mr. Graham. The letters which he saw were written in friendly terms; expressed a desire to serve Mr. Wilson, to procure for him a situation in consequence of his disappointment in not getting into the bank of the United States; and one of them contained an extract from the letter before spoken of to Mr. Humes. At the same time, and with these papers, were shewn his bank book, and notes drawn by Alexander Wilson, and indorsed by William Findlay. Mr. Wilson made no claim of any pecuniary demand, nor of any account against the governor; and during the conversation, mentioned that he had come to Philadelphia because of his ill health, and the promise of Mr. Findlay to endeavor to procure for him a situation in the bank of the United States; and, if not there, with Mr. John Humes.

Mr. John Steel states, that about four months before the death of Alexander Wilson, in Philadelphia, he indorsed a note at sixty days, at the request of, and drawn by, Alexander Wilson, for five hundred, or five hundred and ten dollars. When at maturity, and about to be renewed, Mr. Wilson told him there were some small monied transactions between himself and the governor, and that the proceeds of the note were for the use of the latter. At the same time Mr. Steel told him that it was no matter, that he would indorse for a much greater amount for either of them. The note was indorsed and renewed. When again at maturity, Mr. Steel being informed that no provision was made for the payment or renewal of the note, gave his check for the amount, and immediately

sent to Mr. Wilson, who was then in his last illness. The messenger returned with the money to Mr. Steel, and stated the declaration of Mr. Wilson, that he had received it some time before to take up the note.

Here is a condensed view of the whole of the evidence adduced by the petitioners, to sustain their allegation of "*pecuniary obligations*" on the part of the governor, towards Alexander Wilson. What does it amount to? Your committee are at a loss to discover in it any thing more than those common features which distinguish occurrences of the kind between friends and acquaintances. Do the expressions of friendship amount to an acknowledgment of "*pecuniary obligations*?" Does the avowal of generous feelings, and a disposition to serve an old friend, sinking under an incurable malady, and going to a residence amongst strangers, evince any particular or "*pecuniary obligation*"?

But from these private and ordinary transactions draw, for a moment, the conclusion, that the alleged "*pecuniary obligations*" did exist; does it follow as a matter of course, that either a private offence or a public crime is there also to be found? Are not all men, whether in public or private life, not merely liable, but entitled, to incur obligations of interest, affection or friendship? Is it not a personal right, as well as a common *feeling*, of which official promotion alone cannot deprive the individual? If, indeed, official acts be solely influenced by the obligations thus incurred, then would there be ground of accusation and condemnation; but, in themselves, they only indicate the exercise of privileges, which no laws, founded upon a just attention to freedom, can ever destroy. These reflections lead your committee to "*the third inquiry*" arising under this charge, and into an examination of the facts connected with the appointment of captain Caleb Earl, as harbor master of the city of Philadelphia; for it is pretended that the corrupt condition of paying over a portion of the fees to Alexander Wilson, was annexed to that appointment.

Shortly after the election of the governor, the removal of capt. Hawkes from the station of harbor-master of Philadelphia, was strongly urged upon him, and captain Caleb Earl, an aged gentleman, of great worth and in indigent circumstances, was recommended as the successor. Pending the application, and uncertain of its result, capt. Earl, in April 1818, accepted the command of a vessel, and sailed upon a voyage to Liverpool. Within a day or two after his departure, his commission as harbor-master reached Philadelphia. In this situation of the affair, capt. Hawkes visited the governor at Harrisburg, informed him of the circumstance of captain Earl having sailed for Europe, solicited the appointment, and received it.

In September following captain Earl returned, and, by the advice of his powerful friends, revived his application, and waited

upon the governor in person at Harrisburg. In his conversation with him, the governor acknowledged that his recommendation was a very strong one, and that captain Hawkes was also highly recommended. In this interview, capt. Earl had but little conversation with the governor, and returned again to Philadelphia, without any farther assurance than that the governor would think of the affair.

About the middle of the same month, capt. Gustavus Conyngham, now deceased, and who was a man of high character, called upon capt. Earl, and wished him to take Alexander Wilson as a deputy, or as a clerk. Earl expressed his wish to oblige Mr. C. who had always been his steadfast friend, and was very instrumental in endeavoring to procure him the appointment, but made some objections to employing Wilson in either capacity. At the request of capt. C. the parties met at his house upon the same afternoon. The subject was resumed. Alexander Wilson stated that he was in ill health, and merely wished employment until the spring; that he could keep a book of arrivals, and hoped to be strong enough to be able to go out and collect the fees. When he mentioned that he only wished to be employed until *the spring*, it struck capt. Earl as so trifling an engagement, that he turned round to capt. Conyngham and said that it was a matter of indifference; he would readily agree to the employment of Mr. Wilson until March, if it would be any satisfaction to him, capt. Conyngham; that the time was so short, he considered it of no importance. At this interview there were no terms whatever mentioned. The conversation broke off, with the understanding that if captain Earl obtained the commission, he would give Mr. Wilson employment until March.

About the last of October, a second petition was forwarded to the governor, fortified by private letters, and a certificate from the clerk of the district court of the United States, that capt. Hawkes held an appointment under the general government.

About the 7th of November, capt. Earl was appointed, and received his commission through the hands of the then recorder of the city of Philadelphia. He waited upon capt. Conyngham and Mr. Wilson, and told them that he was ready to fulfil his promise, and left it to them to fix the terms. Captain Conyngham said he supposed about one half the fees would be right in such a case. Wilson replied, that he did not wish the one half; he would be satisfied with six-fourteenths of the fees. They had previously left it to captain Earl himself to make any offer he pleased. He declined, because he thought it a matter of no consequence. So trifling was the engagement, that he would have given the whole, if it had been asked. It could only continue for six or eight weeks, making allowance for the usual winter interruption of the navigation. In some seasons, it would only have amounted to 14 or 15 dollars. After this engagement, Mr. Wilson rendered such services as his declining

health would permit, and died about the 12th of February, 1819. Immediately after his death, captain Earl paid to his widow sixty-two dollars; and here the matter ended.

In addition to this detail of facts, captain Earl, whose inflexible integrity is admitted by all, emphatically declared, that the arrangement was made by him solely to oblige his valuable friend, Gustavus Conyngham, who happened, also, to be the friend of Mr. Wilson; that he was not induced to make it by the prospect of the commission, nor by any consideration for Alexander Wilson; that, at the time, he did not view it as having any influence upon his appointment; that the governor, in his personal interview with him, never mentioned the name of Alexander Wilson, and had nothing to do with the arrangement, and that there were no pains taken to keep it a secret.

It is also worthy of remark, as negating the supposed influence of Alexander Wilson in the procurement of the commission, that his letter, written on the 12th or 14th of September, 1818, recommending captain Earl, must have lain upon the table of the governor without effect; for the commission did not issue until early in the month of November following, and not until after the second petition, accompanied by private letters and the certificate already mentioned, irresistibly called upon the executive to bestow the commission upon captain Earl.

Here, then, is the whole transaction; a transaction unequivocally proved to have proceeded exclusively from the grateful feelings of captain Earl towards his friend and benefactor, Gustavus Conyngham. Your committee look in vain for the evidence of a corrupt interference on the part of the governor. Where is the slightest proof that the commission issued under any restriction unlawfully imposed by the governor, with a view to relieve himself from "*pecuniary obligation*"? Can it be possible that a chief magistrate of Pennsylvania would prostitute his office for the paltry purpose of securing a few dollars to an obscure and dying individual? Has that day arrived in Pennsylvania, when even the harbor master of Philadelphia cannot receive his commission, without the fees of a single winter season becoming a temptation to public crime! How prone to distort facts and fancy the existence of public evil must that imagination be, which could see in this transaction an honorable man like captain Conyngham, a soldier of the revolution, descending and becoming the tainted instrument of another, in negotiating "*an express condition*" for such a petty consideration!

With this unvarnished exposition of the affair of captain Earl and Alexander Wilson, what unprejudiced man will not unite in opinion with the committee, that it unfolds no manner of guilt or fault on the part of the governor?

Having thus disposed of all the express or written charges, adduced by the petitioners, your committee will proceed to investigate the remaining one, which was brought forward, without any previous notice, in the testimony of John Binns. It is as follows:

“That the governor of this commonwealth, during the session of the legislature of 1817-18, did interfere with the proceedings of a committee appointed to inquire into his official conduct, while treasurer of the state.”

In relation to this subject, let us inquire, 1st. Is the fact satisfactorily established by credible evidence? 2d. In what does the alleged interference with a legislative committee consist? And 3d. Was it an illegal interference, or such as can be denominated a high crime or misdemeanor in office?

Every witness should be free from the operations of favor, interest, or prejudice. Upon this essentially depends his competency or credit. To trust to a naked, uncorroborated oath, taken by a man whose hostility is notorious and avowed, would tend to put the happiness, property and reputation of individuals, at the mercy of unprincipled enemies. Too much caution, therefore, cannot be exercised, in believing him whom declared animosity urges forward, and whose statements are unconfirmed by others, or by circumstances.

It is well known to every member of the legislature, it is well known throughout the state and the union, that John Binns has for many months unceasingly assailed, in the columns of a daily newspaper, the character and happiness of the chief magistrate; and, it is also well known, that he has practised all the arts and powers of declamatory composition to raise the foundation of an impeachment, upon the very charges he now comes forward to substantiate. Such a witness cannot meet with the usual confidence: The human heart is conscious of its own frailty, and the human intellect is aware how certainly an habitual indulgence of passion will warp its judgments. Upon the present charge, he stands alone, unaided by collateral events, and opposed by many probabilities. He speaks, too, in relation to casual and brief conversations with the governor and others, which occurred two years ago, parts of which only he pretends to recollect, and about some of the features of which he was proved to be wrong. Your committee feel reluctant to press the point farther: to them the fundamental and essential fact, to which John Binns directed his testimony, remains without adequate and satisfactory proof.

But, what was that fact? What was the alleged interference with a legislative committee?

It will be remembered, that during the session of 1817-18, a committee was appointed by the house of representatives to inquire into

the official conduct of William Findlay, while he acted as treasurer of the commonwealth. Pending that investigation, and shortly before the testimony closed, John Binns, it is averred by himself, was requested by the governor to draft a report for that committee of inquiry, and was afforded an opportunity to inspect some books and papers for that purpose. He acceded to that request; he made examinations among the members of the committee; collected notes of testimony; and left the seat of government for Philadelphia, promising to transmit the result of his labors. Some time, however, previous to this, a suit had been instituted by Thomas Elder, esquire, against John Binns, for an alleged libel published in the Democratic Press, involving facts then investigating before the committee, and in relation to which, it was an object of the latter's attention in Harrisburg, and of his anxious inquiries, to obtain important information necessary to his own defence. Whether, as is stated on oath by Mr. Thomas Sergeant, he offered, without being solicited, to draft the report, in order to incorporate in it what might be material to his defence on the trial of the case of Elder against Binns, pushing himself forward for a selfish object, without the desire of the executive, your committee must leave to the determination of the house.

Clear it is, that he afterwards sent to Mr. Sergeant but little more than a preamble for the report; and that portion, too, principally consisted of paragraphs which, according to his own declarations, he contemplated adducing as material evidence on the above mentioned trial. This preamble and these paragraphs, undergoing amendments and alterations, were afterwards embodied in the report. It does not appear that the portion thus written by John Binns, nor indeed any portion of that report, was shewn by any person to the governor. Mr. Sergeant, indeed, in whose hands all the papers upon that subject were deposited by the chairman of that committee, who alleged himself too unwell and too much engaged on other business to devote his attention to the subject, most emphatically declares that he had no conversation or communication of any kind with the chief magistrate relative thereto, and that he never did shew him what had been written and forwarded by John Binns. It is not in proof that the governor ever conversed with, or in any manner influenced, a single member of the committee of inquiry. On the contrary, the surmise is directly repudiated by the evidence of general William Marks, and colonel Frederick Eichelberger, members of that committee; to the former of whom, owing to a long existing friendship and intimacy, the governor would, in all probability, have been most likely to address himself.

Thus it results, that the alleged interference with the committee of inquiry into the conduct of the late state treasurer, giving, for a moment, full credit to the perilous oath of John Binns, consists in having barely wished an individual to draft the report, without directing the mode in which it was to be done, without

speaking to, or in any manner influencing, a single member of the committee, and without, finally, being made acquainted with a single syllable of the matter which constituted the report.

But, arriving at the last point in which this subject is to be considered, by what extraordinary process of refined logic can it be argued, admitting the witness to have deposed the truth, that the simple expression of a wish from the governor, that a person, wholly unconnected with the committee, should draft the report, amounts to an illegal interference with legislative duties, is corruption, and should be punished as a crime? Was it not natural, was it not laudable, that the chief magistrate should desire that the annunciation of an innocence, of which, it is presumed, he felt conscious, should go to the world in a form distinct, forcible and attractive? It does not appear that his object was to seduce, to compel, or to mislead the committee; nor to aim or wish to influence their ultimate decision. The extent to which his conduct upon the occasion can be tortured, is to prove that he requested an experienced penman to mould into form a determination, which an approving bosom told him must be favourable. Your committee refrain from adverting to what is a notorious and often salutary practice. The drafting of reports for a legislature, is a task of some difficulty, and of public interest. To do it consistently with the reputation of the state, is always desirable; nor does it, in the smallest degree, detract from the intelligence and usefulness of a committee, to suppose them ungifted with the almost mechanical faculty of composition. A report in which the official integrity of the first executive officer of the state was to be canvassed, might easily, and ought to have been, drafted without the aid of John Binns: and, it fortunately happened, that although the more decorative preamble issued from his pen, the more material parts were entrusted to the care and ability of the second officer of the commonwealth.

Having thus travelled through all the charges exhibited by the petitioners against the governor, your committee would cheerfully leave the consequence to the legislature and the people. They deem it, however, due to the dignity of the chief magistrate of this commonwealth, to the character of the state and to themselves, to add a few remarks suggested by a retrospect of the whole proceeding.

Political parties do, perhaps, in some degree, contribute to the security of free laws, and a pure administration of them. They beget a watchfulness, which, in its turn, prevents official misconduct, by impressing a despair of concealment. When founded upon the opposition of enlarged and liberal views, a generous collision is excited propitious to every species of improvement, and a safeguard against thoughtless or wanton inroads upon the constitution.

But mercenary parties, whose sole object is the emolument, or factitious consequence, of office, are the real bane of republican institutions, and the greatest sources of political demoralization. Against these every lover of liberty and law should be stern and steadfast in contending. Unfortunately for the honor, as well as the peace, of Pennsylvania, such parties have too often forced themselves into notoriety, and disfigured the otherwise captivating picture of her domestic prosperity. If it be true that the extent of her executive patronage spreads forth its temptations, it should also animate her virtuous and patriotic citizens to keep the more zealous watch, and to remedy by their practice this theoretic danger of their admirable government. Your committee fondly hope that the degrading development of cabal and intrigue made in the progress of the present inquiry, may inspire a just and salutary disgust. They rejoice that the testimony has been ordered for publication; that the people of this commonwealth may behold, in naked deformity, the canker of sordid ambition; and that public opinion, the chief and safest corrective for our political evils, may prevent our ever looking upon the like again.

Your committee hold in sincerest veneration, that provision of the bill of rights, which guarantees to the citizens of this state, the right to petition or remonstrate, against grievances, or for other proper purposes. It constitutes a distinguishing and invaluable feature of our free code, and cannot be too jealously protected from violation. Equally delicate as noble, it would be injured, if not destroyed, by the least modification or obstruction. But, who does not perceive how shamefully this inestimable jewel has been perverted? Has it not been torn from its legitimate object, to decorate the harlotry of faction, instead of shining on the ægis of of chaste liberty? Has it not been made the subterfuge of political designs, rather than the medium of patriotic resistance? Has it not been misapplied to produce a waste of public treasure, a procrastination of legislative duties, and a stain upon the character of the state?

The evidence before your committee too clearly established the position, that the inquiry into the conduct of the chief magistrate, originated in feelings of personal disappointments, was systematized by a few, and was finally presented to the consideration of the house of representatives for the more purposes of party warfare.

Our country is just now exhibiting an unprecedented harmony of political sentiments. The wisdom and moderation of the national councils, have greatly softened the asperities of opposing parties, and nearly deprived ambition of any hope of success, except from the practice of honest patriotism. Nor can it escape remark, that the same forbearance in the administration of state affairs, has eradicated much bitterness of feeling, and left but a few theoretical principles as sources of contention.

Such a state of things is, in the highest degree, grateful and auspicious to the hopes of every lover of freedom. Our republican institutions have withstood the shocks, beneath the severity of which European statesmen fondly predicted their downfall. Little now need be apprehended from a recurrence of similar conflicts, if any should recur. The materials of our government are solid, and calculated to be permanent. Let the people of Pennsylvania be wary, stern and active in suppressing the demoralizing practices of mere mercenary and turbulent politicians, and no apprehension can be entertained for the durability of their liberty and happiness.

Therefore,

Resolved, That the committee to whom were referred the petitions from sundry citizens of this commonwealth, praying for the inquiry into the conduct of the governor, be discharged from any further consideration of the subject.

Such a state of things is, in the highest degree, regretful and
unpleasant to the highest authorities of the nation. Our position
is, in fact, a state of things which, beneath the necessity of
which the nation is placed, presents a serious danger. It is
now not the question of a mere difference of opinion, but of a
real and serious danger. The necessity of our Government is
not to be neglected to the point of the people of the United States
to be in a state of anarchy and to be in a state of anarchy.
The nation can be saved only by the unity of the people.

Conclusion

Without doubt the Committee to whom were referred the
various questions of the Committee, have for
the purpose of the report, the purpose of the report, the
purpose of the report of the subject.

Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: Nov. 2005

Preservation Technologies

A WORLD LEADER IN PAPER PRESERVATION

111 Thomson Park Drive
Cranberry Township, PA 16066
(724) 779-2111

**DEMCO
LIBRARY SUPPLIES**

Madison
Wis.

New Haven
Conn.

